

REMARKS

Claims 11-25 are pending. Claims 17 and 18 are withdrawn from consideration as stated in the Office Action of September 17, 2009. Claims 19-25 are additionally withdrawn from consideration as allegedly drawn to non-elected species (claims 19-23) or drawn to a non-elected invention (claims 24-25).

Claim 11 has been amended to recite the transitional phrase “consisting of.” No new matter has been introduced. Entry and consideration of the amendments are respectfully requested.

Claims Under Examination

On page 2 of the Office Action, the Examiner states that claims 19-25, which were added in the Amendment of January 15, 2010, are directed to a non-elected species or a non-elected invention. Specifically, the Examiner states that there are no allowable generic or linking claims.

With respect to claims 19-23, Applicants disagree with the Examiner. Claims 19-23 are directed to the elected species (MAP) just as is claim 11. The recitation in claim 11 of “X_n-Met-Ala-Pro-Y_m”, that is, X_n-MAP-Y_m, is directed to the elected species. Likewise, each of X-MAP (claim 19), MAP-Y (claim 20), Leu-MAP (claim 21), Arg-MAP (claim 21), MAP-Pro (claim 22), Leu-MAP-Pro (claim 23), and Arg-MAP-Pro (claim 23) are directed to the elected species.

Additionally, Applicants respectfully request rejoinder of claims 19-23 because claim 11 is believed to be allowable for the reasons stated below and because claim 11 is generic to claims 19-23.

Rejection under 35 U.S.C. § 102

Claims 11-16 are rejected under 35 U.S.C. § 102(b) as being anticipated by Reid et al (Appl Microbiol Biotechnol, "Comparison of bovine β -casein hydrolysis by P_I and P_{III}-type proteinases from *Lactobacillus lactis* subsp. *cremoris*" (1991) 36:344-351).

Reid is cited as teaching that bovine beta-casein hydrolysis was compared by using various proteinases (Abstract). The Examiner cites Fig. 4 as teaching a peptide sequence in which amino acids 102-104 are Met-Ala-Pro (page 348). In response to Applicants' Remarks set forward in the Amendment of January 15, 2010, the Examiner notes that no "consisting of" language is recited in claim 11. The Examiner concludes that the claimed isolated peptide merely "comprises" the sequence of "X_n-Met-Ala-Pro-Y_m". The Examiner states that the broad reading is consistent with the specification at page 18, Table 2 and that "the claims do not exclude peptides longer than 4 amino acids."

Applicants disagree with the Examiner's interpretation that the claimed peptide includes any peptide *comprising* "X_n-Met-Ala-Pro-Y_m." A skilled artisan would understand the claimed peptide to *consist* of the amino acid sequence "X_n-Met-Ala-Pro-Y_m" in light of the specification. Particularly, Table 2, which is cited by the Examiner, only discloses peptides that consist of the recited sequence. With respect to the length, the claimed peptide may be up to 5 amino acids (when n and m are both 1) in length.

Solely to compact prosecution, claim 11 has been amended to recite the transitional phrase "consisting of."

Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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